

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**vs.**

**DAVID CHAVEZ,**

**Defendant.**

)  
)  
)  
)  
)  
)  
)  
)  
)

**Case No. 8:10CR166**

**ORDER**

This case is before the court on defendant's Motion to Review Order of Detention (#17). The defendant requests the court reopen the issue of detention and allow the defendant to be placed with one of three private parties or in CH in Council Bluffs, Iowa. After reviewing the May 24, 2010 Pretrial Services report and the May 25, 2010 Detention Order (#9), I find the motion should be denied without hearing.

The proposed release of the defendant fails to address the court's concerns which include his ties to a foreign country (Mexico), his prior felony drug conviction (methamphetamine), and the fact that the current charge allegedly occurred while the defendant was on federal supervised release from the Southern District of Iowa. Additionally, the defendant's proposed plan of release fails to rebut the presumption of detention under 18 U.S.C. § 3142(e).

**IT IS ORDERED** that defendant's Motion to Review Order of Detention (#17) is denied without hearing.

Dated this 17<sup>th</sup> day of June 2010.

BY THE COURT:

S/ F. A. Gossett  
United States Magistrate Judge